

## Message Text

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44

ORIGIN EB-07

INFO OCT-01 NEA-10 ISO-00 AGRE-00 CEA-01 CIAE-00 COME-00

DODE-00 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-02 AID-05 CIEP-02 SS-15 STR-04 ITC-01

TRSE-00 USIA-15 PRS-01 SP-02 FEAE-00 OMB-01 OPIC-06

XMB-04 /104 R

DRAFTED BY EB/IFD/OSB:RMBUCK:CJR

APPROVED BY EB/IFD - RRYAN, ACTING

NEA/IRN;RBEALES

COMMERCE/CAGNE:DRYAN

TREASURY:JGORLIN

EB/IFD/OSB:EKLAWSON

EB/IFD/OIA:ECONSTABLE

EB/IFD/BP:WLOCKWOOD

L/EB:SBENSON (INFO)

----- 114222

R 080146Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

UNCLAS STATE 250516

E.O. 11652: N/A

TAGS: ETRD, EINV, IR, US

SUBJECT: AFFIDAVIT REQUIRING DISCLOSURE OF FOREIGN  
COMPANY AGENTS

1. WE CONTINUE TO RECEIVE NUMEROUS INQUIRIES ABOUT  
GOI REQUIREMENT THAT FOREIGN COMPANY DOING BUSINESS  
WITH NON-MILITARY ENTITIES OF THE GOI SUBMIT PROPERLY

LEGALIZED AFFIDAVIT GIVING NAME OF ANY AGENT TO WHICH  
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IT PAYS COMMISSION, FEE, OR OTHER CONSIDERATION AND

DESCRIBING THE NATURE OF FINANCIAL ARRANGEMENTS AND SERVICES PROVIDED. (IN DOING BUSINESS WITH IRANIAN MILITARY, AFFIDAVIT MUST SPECIFY THAT NO AGENTS, COMMISSIONS, ETC. ARE INVOLVED).

2. IN ORDER TO RESPOND TO QUESTIONS FROM BUSINESSMEN AND LAWYERS, WE NEED MORE INFORMATION ABOUT ACTUAL GOI POLICY AND PRACTICE WITH RESPECT TO USE OF AGENTS AND MIDDLEMEN.

3. ACTION REQUESTED: (1) PLEASE POUCH TO DEPT. COPY OF RELEVANT IMPERIAL DECREE AND ANY REGULATIONS GOVERNING DISCLOSURE STATEMENT AND (2) CABLE ANSWERS TO FOLLOWING QUESTIONS AS SOON AS POSSIBLE:

A. UNDER EXACTLY WHAT CIRCUMSTANCES ARE FOREIGN COMPANIES REQUIRED TO PROVIDE THE AFFIDAVIT?

B. WHAT DECREES, LAWS, OR REGULATIONS GOVERN SUCH REQUIREMENTS?

C. WOULD FAILURE TO PROVIDE AFFIDAVIT CONSTITUTE SOURCE OF LEGAL LIABILITY (1) IF THE FOREIGN COMPANY HAS RECEIVED FORMAL REQUEST TO PROVIDE AFFIDAVIT, OR (2) IF NO SUCH REQUEST HAS BEEN MADE?

D. IS THE AFFIDAVIT BEING USED AS ANYTHING MORE THAN DISCLOSURE STATEMENT, WHICH APPEARS TO HAVE BEEN INITIAL INTENTION OF ITS DRAFTERS?

E. HAVE ANY PROSECUTIONS OR OTHER ADMINISTRATIVE OR JUDICIAL DETERMINATIONS BEEN BASED ON EITHER DATA OBTAINED FROM OR OTHER CIRCUMSTANCES ASSOCIATED WITH THE AFFIDAVIT?

F. HAS THE GOI PUBLISHED ANY REGULATIONS CONCERNING THE RIGHT OF FOREIGN COMPANIES TO DEAL THROUGH AGENTS AND/OR MIDDLEMEN IN CONDUCTING BUSINESS WITH THE IRANIAN GOVERNMENT WITH RESPECT TO NON-MILITARY SALES OR CONTRACTING?

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G. TO WHAT EXTENT IS REQUIREMENT FOR AFFIDAVIT SUSCEPTIBLE TO VARYING INTERPRETATION AND/OR IMPLEMENTATION BY INDIVIDUAL MINISTRIES OR AGENCIES?

H. DO ALL MINISTRIES HAVE SAME REQUIREMENTS FOR LEGALIZATION OF AFFIDAVIT?

I. HAS THE GOI GIVEN ANY INDICATION REGARDING THE  
PREFERRED MECHANICS OF EXECUTION WHERE THE AFFADAVIT  
IS EXECUTED IN THE U.S. (WE HAVE HAD CONFLICTING  
SIGNALS: IN SOME CASES IRANIAN CONSULATES HAVE ACCEPTED  
NOTARIZATION ONLY; IN OTHERS, A LOCAL CHAMBER OF COMMERCE  
AUTHENTICATION OF A NOTARIZATION HAS BEEN ACCEPTED;  
IN STILL OTHERS, THE DEPARTMENT'S ADDITIONAL  
AUTHENTICATION HAS BEEN REQUIRED). ROBINSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FOREIGN INVESTMENT, LAW  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 OCT 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE250516  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** RMBUCK:CJR  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760380-0478  
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**Handling Restrictions:** n/a  
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**Legacy Key:** link1976/newtext/t19761066/aaaacfqn.tel  
**Line Count:** 123  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN EB  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** hackerp0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 25 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <25 MAY 2004 by DuboseBM>; APPROVED <10 JAN 2005 by hackerp0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** AFFIDAVIT REQUIRING DISCLOSURE OF FOREIGN COMPANY AGENTS  
**TAGS:** ETRD, EINV, IR, US  
**To:** TEHRAN  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006